

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

STATE ex rel
RALPH APPLGATE,

Plaintiff,

vs.

Case No. C2-08-092
Judge Edmund A. Sargus, Jr.
Magistrate Judge Terence P. Kemp

FRANKLIN COUNTY BOARD
OF ELECTIONS, et al.,


Defendants.

ORDER

Plaintiff's Motion to Reopen and Consolidate with *State ex rel. Skaggs v. Brunner*, Case No. C2-08-1077 (ALM) and *Ohio Republican Party v. Brunner*, Case No. C2-08-913 (ALM) is **DENIED**. The Court construes that portion of Plaintiff's Motion requesting reopening of his case as one for relief from a final judgment. Plaintiff has provided no grounds under Federal Rule of Civil Procedure 60(b) from which this Court may grant him relief from the judgment entered against him on September 3, 2008. Because the Court finds no basis to reopen the case, it need not consider whether the matter should be consolidated with the cases Plaintiff cites. Nonetheless, the Court notes that Plaintiff has failed to identify a common question of law or fact between his case, *Skaggs* and *Ohio Republican Party*, as required by Federal Rule of Civil Procedure 42.

IT IS SO ORDERED.

12-1-2008
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE